

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4 CELLULAR GENERAL	)	
PARTNERSHIP FOR ISSUANCE OF A CERTIFICATE	)	
OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT	)	CASE NO.
A CELL SITE (GREENSBURG) IN RURAL SERVICE AREA 4	)	96-406
(GREEN) OF THE COMMONWEALTH OF KENTUCKY	)	

O R D E R

On September 26, 1996, Kentucky RSA #4 Cellular General Partnership filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. Kentucky RSA #4 Cellular General Partnership has requested authorization to construct a cell site in Green County. Kentucky RSA #4 Cellular General Partnership was previously granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 90-308.<sup>1</sup>

The proposed cell site consists of a 176-foot or less self-supporting antenna tower to be located at 300 Industrial Park Drive, Greensburg, Green County, Kentucky ("the Greensburg cell site"). The coordinates for the Greensburg cell site are North Latitude 37° 16' 6.2" by West Longitude 85° 29' 20.9".

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<sup>1</sup> Case No. 90-308, Application of Kentucky RSA #4 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #4 (Spencer) of the Commonwealth of Kentucky.

Kentucky RSA #4 Cellular General Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Greensburg cell site. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the Greensburg cell site's construction is exempt from local zoning ordinances; however, Kentucky RSA #4 Cellular General Partnership notified the Greensburg Planning and Development Commission of the pending construction. Kentucky RSA #4 Cellular General Partnership has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Greensburg cell site. Kentucky RSA #4 Cellular General Partnership was advised by the FAA that notice to the FAA was not necessary. Concurrently, the KAZC informed Kentucky RSA #4 Cellular General Partnership that a permit to construct the Greensburg cell site was not required.

Kentucky RSA #4 Cellular General Partnership has filed notices verifying that each person who owns property or who resides within 500 feet of the Greensburg cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after Kentucky RSA #4 Cellular General Partnership's application was filed. To date, no intervention requests have been received.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any

utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Kentucky RSA #4 Cellular General Partnership should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Kentucky RSA #4 Cellular General Partnership.

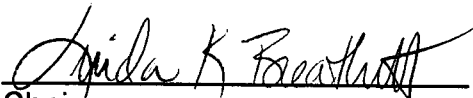
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky RSA #4 Cellular General Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the Greensburg cell site in RSA No. 4 under its previously approved tariff.

IT IS THEREFORE ORDERED that:


1. Kentucky RSA #4 Cellular General Partnership is granted a Certificate of Public Convenience and Necessity to construct and operate the Greensburg cell site.
2. Kentucky RSA #4 Cellular General Partnership shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 30th day of October, 1996.


PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director